IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

: O R D E R :

Rama Vs. State of Rajasthan & Others.
**(S.B. Civil Writ Petition No.5063/2003)**

DATE OF ORDER : May 1st, 2007

P R E S E N T

**Hon'ble Mr. Justice Gopal Krishan Vyas**

Mr. Ashok Patel for the petitioner.
Mr. S.N. Tiwari, Dy. G.A. for respondents.

BY THE COURT :

By this writ petition, the petitioner is challenging the concurrent finding of the authorities below recorded vide order dated 16.08.1997 passed by Addl. Collector, Pali, dated 04.04.2000 passed by the Revenue Appellate Authority, Pali and dated 07.08.2002 passed by the Revenue Board, Ajmer, whereby it is held that allotment made in favour of the petitioner being landless person was contrary to rules.

According to facts narrated in the writ petition, the petitioner was allotted 15 bigha land on 15.05.1974 and

mutation was also made in his favour and the land which is allotted to the petitioner in Khasra No.81, Rakba 15 bigha was confirmed on 17.06.1986.

Against the said allotment, an application was moved by the Addl. Tehsildar, Rohit under Section 14(4), Rajasthan Land Revenue (Allotment of Land for Agriculture Purpose) Rules, 1970 before the Addl. Collector, Pali submitting that at the time of allotment the petitioner was minor and his father was having 107 bigha land in his favour, therefore, the land allotted to the petitioner as landless person was illegally allotted.

The petitioner refuted the allegations before the Addl. Collector, Pali and submitted that he was major at the time of allotment and denied the allegation that father of the petitioner was having 107 bigha land at the time of the allotment. Before the revenue authority, the petitioner prayed that allotment made in his favour was in accordance with the rules and the same was confirmed in the year 1986. He contended that he has spent huge amount of money on the fertility of the land and, after 22 – 23 years of allotment, this application has been filed by the Tehsildar against his confirmed allotment.

After hearing the parties, the learned Addl. Collector arrived at the finding that at the time of the allotment petitioner was minor and, in the facts and circumstances of the case, he

was not landless. The revenue authority further observed that allotment was not made in consonance with the provisions of the law and, therefore, allotment was cancelled. The said order was challenged by the petitioner upto the Board of Revenue and both the Revenue Appellate Authority as well as Board of Revenue upheld the finding arrived at by the Addl. Collector, Pali.

In my opinion, the finding arrived at by the all the revenue authorities is concurrent finding of fact and cannot be lightly interfered with in the present proceedings. More so, because there is no material on record to show that the petitioner was major at the time of allotment in the year 1974. It is strange that the writ petition was filed in the year 2002 supported by affidavit of the petitioner in which the petitioner has deposed that he is aged 40 years. Thus, obviously the petitioner was minor in the year 1974 when the allotment is claimed to have been made in his favour. In the circumstances, no interference is warranted.

The writ petition is hereby dismissed. No order as to costs.

**(Gopal Krishan Vyas) J.**